

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**CARRIME STRATTON,**

**Plaintiff,**

**v.**

**1:13-CV-520  
(FJS/RFT)**

**WAYNE RUSSELL, JR., New York State  
Trooper; and JOHN DOE, name and number  
of whom are unknown at present and other  
unidentified members of the New York  
State Police,**

**Defendants.**

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**APPEARANCES**

**OFFICE OF DAVID BRICKMAN**  
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Attorneys for Plaintiff

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The Capitol  
Albany, New York  
Attorneys for Defendant Russell

**SCULLIN, Senior Judge**

**OF COUNSEL**

**DAVID BRICKMAN, ESQ.**

**DAVID B. KRAUSS, ESQ.**

**CATHY Y. SHEEHAN, ESQ.**

**ORDER**

Plaintiff commenced this action against Defendants pursuant to 42 U.S.C. § 1983, alleging, among other things, that Defendants had violated his rights under the Fourth and

Fourteenth Amendments to the United States Constitution. *See* Dkt. No. 1 at ¶ 1. Defendant Russell filed a motion to dismiss Plaintiff's claims asserted against him in his official capacity on the ground that the Eleventh Amendment barred such claims. *See generally* Dkt. No. 13-1. Plaintiff filed a letter in response to the motion, advising the Court that Plaintiff did not oppose this motion and conceded that Defendant Russell was entitled to Eleventh Amendment immunity as to the claims against him in his official capacity. *See* Dkt. No. 14 at 1. Plaintiff noted, however, that he would "proceed against the Defendant [Russell] in his individual capacity as stated in the complaint." *See id.*

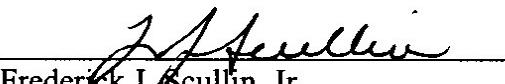
Accordingly, to the extent that Plaintiff's complaint can be construed to assert any claims against Defendant Russell in his official capacity, the Court hereby

**ORDERS** that Defendant Russell's motion to dismiss Plaintiff's complaint is **GRANTED** with respect to any claims asserted against Defendant Russell in his official capacity; and the Court further

**ORDERS** that this matter is referred to Magistrate Judge Treece for all further pretrial matters.

**IT IS SO ORDERED.**

Dated: September 26, 2014  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge